24 JUL 2002

PATENT
Attorney Docket No. MIT-108
(5473/115)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Shukla et al.		
SERIAL NO.:	10/069,280	GROUP NO.:	Not yet assigned
FILING DATE:	February 25, 2002	EXAMINER:	Not yet assigned
I.A. SERIAL No.:	PCT/US00/23288		
I.A. FILING DATE:	August 25, 2000		
TITLE:	PHARMACEUTICAL PREPARATIONS FOR THE INHIBITION OF HERPES SIMPLEX VIRUS 1 ENTRY		

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated May 1, 2002, enclosed are three executed Declaration and Powers of Attorney for Utility or Design Patent Application forms and a copy of the Notification of Missing Requirements Under 35 U.S.C. 371 for filing in the above-identified patent application. Also enclosed is a check in the amount of $240.00, for payment of the surcharge and one month extension of time.

Also enclosed is a Supplemental Patent Application Data Sheet, correcting the citizenship of inventor Deepak Shukla and the address of inventor Patricia Spear.

Please charge Deposit Account No. 20-0531 for any additional fees that may be due in this matter.

Respectfully submitted,

Date: July 29, 2002
Reg. No. 43,153

Diana M. Steel
Attorney for Applicants
Testa, Hurwitz, & Thibeault
High Street Tower
125 High Street
Boston, Massachusetts 02110

Tel. No. (617) 310-8168
Fax: (617) 248-7100

2442667

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/069,280	Shukla	MIT-108

INTERNATIONAL APPLICATION NO.	
PCT/US00/23288	
I.A. FILING DATE	PRIORITY DATE
08/25/2000	08/25/1999

Patent Administrator
Testa Hurwitz & Thibeault
125 High Street
Boston, MA 02110-2704

CONFIRMATION NO. 7876

371 FORMALITIES LETTER

OC000000007987169

Date Mailed: 05/01/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- **$130** Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **$130** for a Large Entity:

- **$130** Late oath or deciaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/069,280	PCT/US00/23288	MIT-108

FORM PCT/DO/EO/905 (371 Formalities Notice)

FEE TRANSMITTAL
FY 2002

10/069280

Complete if Known	
Application Serial Number I.A. Serial No.	10/069,280 PCT/US00/23288
Filing Date I.A. Filing Date	February 25, 2002 August 25, 2000
First Named Inventor	Shukla
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	MIT-108

24 JUL 2002

#3

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
 - ☒ Check
 - ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
 - ☐ Required Fees (copy of this sheet enclosed).
 - ☒ Additional fee required under 37 CFR 1.16 and 1.17.
 - ☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity Fee ($)	Fee Description	Fee Paid
740	Utility filing fee	
330	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims		- 20 =	x $ 18.00 =	
Independent Claims		- 3 =	x $ 84.00 =	
☐ Multiple Dependent Claim(s), if any			$280.00 =	

TOTAL:
SMALL ENTITY DISCOUNT:
SUBTOTAL (1) ($)

2. AMENDMENT CLAIM FEES

	Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=		x $ 18.00 =	
Indep.	-	=		x $ 84.00 =	
☐ First Presentation of Multiple Dep. Claim				+ $280.00 =	

TOTAL: ($)
SMALL ENTITY DISCOUNT: ($)
SUBTOTAL (2) ($)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee ($)	Small Entity Fee ($)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130.00
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	110.00
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1440	720	Extension for reply within fourth month	
1960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
740	370	Filing a submission after final rejection (37 CFR 1.129(a))	
740	370	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
Other fee (Specify)			
Other fee (Specify)			

08/07/2002 SNAJARRO 00000121 10069280
01 FC:154 130.00 OP
SUBTOTAL (3) ($) 240.00

SUBTOTAL (1)	
SUBTOTAL (2)	0.00
SUBTOTAL (3)	240.00
TOTAL	($) 240.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date: July 29, 2002
Reg. No.: 43,153
Tel. No.: (617) 310-8168
Fax No.: (617) 248-7100

Diana M. Steel
Attorney for the Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110

2442821

DT05 Rec'd PCT/PTO 05 AUG 2002

PATENT
Attorney Docket No. MIT-108

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APPLICANTS:	Shukla et al.		
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TITLE:	PHARMACEUTICAL PREPARATIONS FOR THE INHIBITION OF HERPES SIMPLEX VIRUS 1 ENTRY		

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, Box PCT, United States Patent and Trademark Office, Washington, DC 20231 on this 29th day of July, 2002.

July 29, 2002
Date

Brenda T. Kowalczuk
Brenda T. Kowalczuk

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal (1 pg.); Fee Transmittal (1 pg.); Petition for Extension of Time (1 pg.); Response to Notification of Missing Requirements Under 35 U.S.C. 371 (1 pg.); Copy of Notification of Missing Requirements Under 35 U.S.C. 371 (2 pgs.); Three executed Declaration and Power of Attorney for Utility Patent Appln. forms (9 pgs.); Supplemental Patent Application Data Sheet (3 pgs.); A check in the amount of $240.00; and postcard.

TRANSMITTAL FORM

Application Serial Number	10/069,280
Filing Date	February 25, 2002
First Named Inventor	Shukla
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned.
Attorney Docket No.	MIT-108
I.A. Serial No.	PCT/US00/23288
I.A. Filing Date	August 25, 2000

ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form
 - ☒ Check Attached
 - ☐ Copy of Fee Transmittal Form
- ☐ Amendment/Response
 - ☐ Second Preliminary
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
 - ☐ Letter to Official Draftsperson including Drawings [Total Sheets _____]
- ☐ Petition for Extension of Time
- ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Copies of IDS Citations
- ☐ Certified Copy of Priority Document(s)
- ☐ Sequence Listing submission
 - ☐ Paper Copy/CD
 - ☐ Computer Readable Copy
 - ☐ Statement verifying identity of above
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office
- ☐ Transmittal of Formal Drawings
- ☐ Request For Continued Examination (RCE) Transmittal
- ☐ Power of Attorney (Revocation of Prior Powers)
- ☐ Terminal Disclaimer
- ☒ Three executed Declaration and Power of Attorney for Utility or Design Patent Application forms
- ☐ Small Entity Statement
- ☐ CD(s) for large table or computer program
- ☐ Amendment After Allowance
- ☐ Request for Certificate of Correction
 - ☐ Certificate of Correction (in duplicate)
- ☐ Notice of Appeal to Board of Patent Appeals and Interferences
- ☐ Appeal Brief (in triplicate)
- ☐ Status Inquiry
- ☒ Return Receipt Postcard
- ☒ Certificate of First Class Mailing under 37 C.F.R. 1.8
- ☐ Certificate of Facsimile Transmission under 37 C.F.R. 1.8
- ☒ Additional Enclosure(s) *(please identify below)*

1. Response to Notification of Missing Requirements under 35 U.S.C. 371
2. Supplemental Patent Appln. Data Sheet

CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower
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Respectfully submitted,



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125 High Street
Boston, MA 02110

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JUL 24 2002
PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

Application Serial Number	10/069,280
Filing Date	February 25, 2002
First Named Inventor	Shukla
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned.
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ENCLOSURES *(check all that apply)*

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 - ☐ After Final
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Respectfully submitted,

Date: July 19, 2002
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